

**REMARKS**

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-4, 7, 9-27 and 29-31 are pending in this application. Claims 16-27 and 29-31 are withdrawn from consideration. Claims 1-4, 7, 9-11 and 14 are amended, and claims 5-6, 8 and 28 have been cancelled. Claims 1 and 16 are the independent claims.

Applicants note with appreciation the Examiner's acknowledgement that certified copies of all priority documents have been received by the U.S.P.T.O. Action, summary at 12.

Applicants also respectfully note the present action indicates that the drawings have been accepted by the Examiner. Action, summary at 10.

**Rejections under 35 U.S.C. § 112**

Claims 1-15 and 28 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse this rejection for the reasons detailed below.

Claims 5-6, 8 and 28 have been cancelled, and so, the rejection of claims 5-6, 8 and 28 is now moot. Claims 1-4, 7 and 9-15 have been amended in order to provide proper antecedent basis for the claims.

The Applicants, therefore, respectfully request that the rejection to Claims 1-15 and 28 under 35 U.S.C. § 112 be withdrawn.

**Example Embodiments of the Present Application**

Independent claim 1 recites analyzing the sample liquid, wherein flushing or reagent liquids are applied from above the carrier onto the spots of the spot arrays located on the carrier,

and electrical measurements are carried out from below the carrier with the aid of contact elements. Example non-limiting embodiments of this feature are discussed, for example, in paragraph [0021] of the instant specification. With an electrical signal pick-up from a moving sequential arrangement of identical sensors on a belt, a measurement may be taken by picking up the signal on the underside of the carrier with the aid of contact elements. This allows faster analysis of foreign substances on pharmacological substances such as medicines.

### **Rejections under 35 U.S.C. § 102**

Claims 1-5, 7, 9-11 and 13-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Chateau (U.S. Patent No. 4,071,315). Applicants respectfully traverse this rejection for the reasons detailed below.

Chateau discloses an analysis belt carrying successively arranged biochips where measurements are taken at individual locations on the individual chips while passing through the belt. Therefore, Chateau does not appear to teach or suggest “electrical measurements are carried out **from below the carrier** with the aid of contact elements” as is recited in independent claim 1.

The Applicants, therefore, respectfully request that the rejection to Claim 1 under 35 U.S.C. § 102 be withdrawn.

Claims 2-5, 7, 9-11 and 13-15, dependent on independent claim 1, are patentable for the reasons stated above with respect to claim 1 as well as for their own merits.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection to independent claim 1 and all claims dependent thereon.

**Rejections under 35 U.S.C. § 103**

**Chateau in view of Chetverin**

Claims 1, 5-6, 8 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chateau in view of Chetverin (U.S. Patent No. 6,103,463). Applicants respectfully traverse this rejection for the reasons detailed below.

The Applicants incorporate the discussion provided above with respect to the teachings of Chateau and maintain that no teaching or suggestion has yet been identified regarding electrical measurements being carried out **from below the carrier** with the aid of contact elements as is recited in independent claim 1.

The outstanding Office Action on page 8, lines 15-17, acknowledges that Chateau fails to disclose that the spot arrays are enclosed by hollow bodies in the form of an array of wells, in order to create a spatial separation from other spot arrays and relies on the teachings of Chetverin for this feature of amended claim 2. Even if Chetverin did disclose this feature of claim 2 (which Applicants do not admit), Applicants respectfully submit that Chateau, Chetverin and/or the combination of these references do not appear to teach or suggest “electrical measurements are carried out **from below the carrier** with the aid of contact elements” as is recited in independent claim 1.

The Applicants, therefore, respectfully request that the rejection to Claims 1, 5-6, 8 and 28 under 35 U.S.C. § 103 be withdrawn.

Claims 5-6, 8 and 28, dependent on independent claim 1, are patentable for the reasons stated above with respect to claim 1 as well as for their own merits.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection to independent claim 1 and all claims dependent thereon.

Chateau in view of Meyerhoff

Claims 1 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chateau in view of Meyerhoff (U.S. Patent No. 5,830,680). Applicants respectfully traverse this rejection for the reasons detailed below.

The Applicants incorporate the discussion provided above with respect to the teachings of Chateau and maintain that no teaching or suggestion has yet been identified regarding electrical measurements being carried out **from below the carrier** with the aid of contact elements as is recited in independent claim 1.

The outstanding Office Action on page 11, lines 23-24, acknowledges that Chateau fails to disclose electrically readable biochips and relies on the teachings of Meyerhoff for this feature of claim 12. Even if Meyerhoff did disclose this feature of claim 12 (which Applicants do not admit), Applicants respectfully submit that Chateau, Meyerhoff and/or the combination of these references do not appear to teach or suggest “electrical measurements are carried out **from below the carrier** with the aid of contact elements” as is recited in independent claim 1.

The Applicants, therefore, respectfully request that the rejection to Claims 1 and 12 under 35 U.S.C. § 103 be withdrawn.

Claim 12, dependent on independent claim 1, is patentable for the reasons stated above with respect to claim 1 as well as for its own merits.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection to independent claim 1 and all claims dependent thereon.

**CONCLUSION**

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$120.00 extension fee herewith.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Erin G. Hoffman, Reg. No. 57,752, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By

  
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